

FCC MAIL SECTION

Federal Communications Commission

DA 97-469

APR 14 11 31 AM '97

Before the
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
 Table of Allotments,
 FM Broadcast Stations.
 (Minden and Natchitoches,
 Louisiana)

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)
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) MM Docket No. 96-241
) RM-8928
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REPORT AND ORDER
 (Proceeding Terminated)

Adopted: April 2, 1997

Released: April 11, 1997

By the Chief, Allocations Branch:

1. At the request of Ninety-Five Point Seven, Inc., licensee of Station KASO(FM),¹ Channel 239A, Minden, Louisiana, and Bundrick Communications, Inc., licensee of Station KZBL(FM), Channel 240A, Natchitoches, Louisiana, ("joint petitioners"), the Commission has before it the Notice of Proposed Rule Making, released December 6, 1996, DA 96-1992, proposing the substitution of Channel 239C2 for Channel 239A at Minden, Louisiana, and modification of Station KASO(FM)'s authorization to specify the higher powered channel. In order to implement the upgrade at Minden, the joint petitioners also proposed the substitution of Channel 264A for Channel 240A at Natchitoches, Louisiana, and modification of Station KZBL(FM)'s license to reflect the alternate Class A channel. Joint petitioners filed comments restating their interest in the proposed changes. No other comments were received.

2. We believe the public interest would be served by adopting petitioners' proposal since it could enable Station KASO(FM) to expand its coverage area. Channel 239C2 and Channel 264A can be allotted to Minden and Natchitoches, respectively, in compliance with the Commission's minimum distance separation requirements. Channel 239C2 can be allotted to Minden with a site restriction of 9.2 kilometers (5.7 miles) northwest to accommodate Station KASO(FM)'s upgrade.² As proposed, we will also modify Station KASO(FM)'s license to specify operation on Channel 239C2 in accordance with Section 1.420(g) of the Commission's Rules.

¹ Ninety-Five Point Seven, Inc. became the licensee of Station KASO(FM), Minden, Louisiana, pursuant to the Commission's July 16, 1996, grant of the application (File No. BALH-960517ED) for assignment of construction permit from Cook Enterprises, Inc. to Ninety-Five Point Seven, Inc., which was consummated on October 26, 1996.

² The coordinates for Channel 239C2 at Minden are 32-39-06 NL and 93-22-15 WL.

Channel 264A can be allotted to Natchitoches at the transmitter site specified in Station KZBL(FM)'s license.³

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 27, 1997, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Minden, Louisiana	239C2
Natchitoches, Louisiana	247C3, 264A

4. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license for Station KASO(FM), Minden, Louisiana, IS MODIFIED to specify operation on Channel 239C2, in lieu of Channel 239A, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license for Station KZBL(FM), Natchitoches, Louisiana, IS MODIFIED to specify operation on Channel 264A in lieu of Channel 240A, subject to the following conditions:

- (a) Nothing contained herein shall be construed as authorizing any change in Station KZBL(FM)'s license, BLH-851018KC, except the channel as specified above. Any other changes, except those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit FCC Form 301).
- (b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-851018KC, except for the channel as specified above and a license

³ The coordinates for Channel 264A at Natchitoches are 31-48-18 NL and 93-01-29 WL.

application (FCC Form 302) is filed within 10 days of commencement of program tests.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and /or upgrade. As a result of this proceeding, Ninety-Five Point Seven, Inc., licensee of Station KASO(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau